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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0337 MHP
)	
Plaintiff,)	
)	PARTIES' JOINT REQUEST TO CONTINUE
v.)	SENTENCING HEARING AND [PROPOSED]
)	ORDER
JACQUELINE FROEHLICH-)	
L'HEUREAUX,)	
)	
Defendant.)	

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for May 17, 2010, be continued and set for sentencing hearing on October 18, 2010, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties
3 jointly request that the May 17, 2010, sentencing hearing be continued for a sentencing hearing
4 on October 18, 2010. Additional time is needed for the defendant to complete her cooperation
5 with the government. Specifically, charges have now been filed against an alleged co-conspirator
6 of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP. The United
7 States has filed a noticed of appeal in the Nosal case, and the case will not proceed to trial until
8 that appeal is resolved. The defendant Froehlich-L'Heureaux is expected to testify in that trial.
9 Because Ms. Froehlich-L'Heureaux will be required to testify at trial, her cooperation with the
10 government's investigation is not yet complete.

11 For all of these reasons, the parties jointly request that this Court vacate the sentencing
12 hearing presently set for May 17, 2010, and set a sentencing hearing for October 18, 2010, at
13 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be
14 calculated using the new sentencing date.

15 SO STIPULATED.

16
17 Dated: March 12, 2010

SCOTT N. SCHOOLS
Acting United States Attorney

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20 /s/
KYLE F. WALDINGER
Assistant United States Attorney

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22 SO STIPULATED.

23 Dated: March 12, 2010

/s/
LELAND B. ALTSCHULER
Attorney for defendant Froehlich-L'Heureaux

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for May 17, 2010, be continued to October 18, 2010, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 16th day March, 2010

